

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL PAUL WEINAPPLE,

Plaintiff,

v.

ROB BONTA, *et al.*,

Defendants.

Case No. 2:24-cv-1769-DAD-JDP (PS)

ORDER TO SHOW CAUSE

On December 16, 2024, I recommended that defendants' motion to dismiss be granted and plaintiff's complaint be dismissed with leave to amend. ECF No. 15. On February 19, 2025, the court adopted the findings and recommendations, dismissed the complaint for failure to state a claim, and granted plaintiff thirty days to file a first amended complaint. ECF No. 21. To date, plaintiff has not filed an amended complaint.

The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 216 F.3d 837, 841 (9th Cir. 2000); *see* Local Rule 110 ("Failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court."). A court may dismiss an action based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

1 (dismissal for lack of prosecution and failure to comply with local rules).

2 I will give plaintiff a chance to explain why the court should not dismiss the case for his
3 failure to file an amended complaint. Plaintiff's failure to respond to this order will constitute a
4 failure to comply with a court order and will result in a recommendation that this action be
5 dismissed. Accordingly, plaintiff is ordered to show cause within fourteen days why this case
6 should not be dismissed for failure to prosecute and failure to state a claim. Should plaintiff wish
7 to continue with this lawsuit, he shall file, within fourteen days, an amended complaint.

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9 IT IS SO ORDERED.

10 Dated: March 26, 2025

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12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE
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